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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFAIL THEOKARY,	:	**CASE NO.: 07-11008 (elf)**
Plaintiff/Debtor	:	**CHAPTER 7**
	:	
Vs.	:	**ADVERSARY NO.: 09-00051(elf)**
	:	
ERIC ABATIELLO, d/b/a	:	
ABATIELLO RACING STABLES;	:	
GAITWAY FARMS, INC.;	:	
SHOWPLACE FARMS; TOM SHAY;	:	
And any JOHN DOES (1-10)	:	
ENTITIES OR LEGAL ENTITIES	:	**ANSWER TO**
THAT MAY BECOME KNOWN	:	**DEFENDANT'S MOTION FOR**
AFTER FILING	:	**SANCTIONS PURSUANT**
	:	**TO F.R.C.P. 11**

AND NOW COMES, Keith David Sklar, Esquire, filing this answer:

AFFIRMATIVE DEFENSES

1. This court lacks subject matter jurisdiction over the pending motion.

2. The motion has been brought against a non-party and thus relief cannot be
   granted pursuant to FRCP 12(b)(6).

3. The matter has already been previously decided and Your Honor denied
   Defendants' previous Motion for Sanctions and as such the doctrine of *res
   judicata* applies hereto.

ANSWER

4. Paragraphs 1-3 are hereby incorporated by reference as if they were plead in
   their entirety.

5. Defendants' motion is improper since Your Honor found that the Defendants had violated 11 U.S.C. § 362.

6. Defendants have not proven by any evidence that the case brought against them was frivolous.

7. Defendants' motion has been brought to harass counsel and is without merit.

8. Attorney, Keith D. Sklar, is a non-party to this action since June 2009 and as such no sanctions may be brought against him or his firm.

9. Counsel seeks attorney fees in the amount of $2500.00 for having to defend this frivolous motion and to file additional FRCP 12(b) motions.

10. I would also join in attorney Sandler's responsive brief filed with this Court.

WHEREFORE, KEITH D. SKLAR, ESQUIRE seeks an Order dismissing the Defendants' Motion and awarding him $2500.00 in counsel fees for defending the same.

Dated: August 6, 2012   */s/Keith D. Sklar, Esq.*
                                                         Pro se